

REMARKS

In the Official Action, the Examiner allowed claims 1-6 and rejected claims 7-26.

Applicant thanks the Examiner for allowance of claims 1-6. Reconsideration of claims 7-26 is respectfully requested in view of the remarks set forth below.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 7-26 under 35 U.S.C. § 103(a) as being unpatentable over Holloway (U.S. Pat. No. 6,224,718). Applicant respectfully traverses this rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination or modification. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

As a preliminary matter, Applicant notes that the Examiner cited passages of the passages of the Holloway reference in correlating each of the recited features with something in the Holloway reference, in support of his *prima facie* case of obviousness. However, the Examiner made no specific association with the features of Holloway and the various elements recited in each of the present claims. Applicant respectfully reminds the Examiner that when a reference is complex or shows or describes inventions other than that claimed by

the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. 37 C.F.R. § 1.104(c)(2); see also M.P.E.P. § 707.07. If the present response is not persuasive and the Examiner chooses to maintain the present rejection based on Holloway, Applicant respectfully requests that the Examiner clarify his rejections and direct Applicant to the precise features of Holloway that the Examiner is correlating with each of the recited features so that Applicant can properly distinguish the recited subject matter over the Holloway reference.

Independent claims 7 and 14 each recite a method of providing and authenticating secret data (claim 7) or an access code (claim 14). Independent claim 18 recites a system for providing and authenticating an access code. Thus, each of the independent claims recites various embodiments of the present invention employing “a first server” and “a second server,” and various elements employing/ associated with the first and second servers, including establishing a respective secure connection between each of the first and second servers and the user. Fig. 2 of the present application illustrates one embodiment of the present system employing first and second servers. Figs. 4-7 illustrate techniques for providing and authenticating data/access codes by employing a first and second server. As described in the present specification, employing two servers and a respective secure connection between the user and each respective server in accordance with embodiments of the present invention, provides security advantages over the prior art illustrated and described with reference to Fig. 1. *See e.g.*, page 3, lines 22-28. As described and clearly illustrated in Fig. 1, the prior art systems simply employ a single server and a single secure connection from the server to the user in exchanging data.

In sharp contrast to employing first and second servers, and first and second secure connections, as recited in each of the present independent claims, the Holloway reference, in relevant part, merely discloses one of the conventional techniques described in the present application. Specifically, the Holloway reference merely discloses a user and one server, with a single secure connection therebetween. There is no reference whatsoever in Holloway regarding the use of two servers, much less establishing a first secure connection between a first server and a user, and establishing a second secure connection between a second server and a user. Thus, it is clear that the Holloway reference fails to disclose each of the elements recited in any of the independent claims.

The Holloway reference is directed to a communications system in which messages may be processed using public key cryptography and a private key unique to one or more users. *See Abstract.* Specifically, the Holloway reference discloses a client computer system 110 coupled to a server computer system 130 through the world wide web (WWW) 100. As clearly illustrated in Figs. 1 and 3, and described in the associated detailed description, the system of Holloway includes connection between the client computer system and the WWW 199 and a connection from the WWW 100 to the server computer system 130. Thus, it is clear that at most, the Holloway system simply employs the same single server, single secure connection system described as prior art in the present application. *See Fig. 1 and page 3, lines 13-28.*

It is unclear as to what features of Holloway the Examiner is associating with the recited “first server,” “second server,” “first secure connection,” and “second secure connection.” If the Examiner chooses to maintain the present rejections, Applicant respectfully requests that the Examiner clarify the rejection with further specificity. Even if the Examiner is attempting to correlate elements 136 and 138 with the recited first and

second servers, the Holloway reference does not disclose each of the recited features. While the server computer system 130 includes a web server computer 136 and a key server computer 138, as illustrated in Fig. 1, elements 136 and 138 are clearly part of the *same* server system 130. Even if these elements could be interpreted as being separate servers (i.e., first server and second server), it is clear that the key server computer 138 is coupled to the web server computer 136 through a firewall 137. There is no respective connection from the key server computer 138 to the client computer system 110. Thus, there is not a respective secure connection (i.e., first secure connection and second secure connection) from each of the elements 136 and 138 to the client computer system 110. Accordingly, even if the Examiner asserts that elements 136 and 138 can be fairly correlated with the first and second server, the Holloway reference fails to disclose the additionally recited features (e.g., first and second secure connections) associated with the servers.

Because the Holloway reference fails to disclose each of the elements recited in the present independent claims, the Holloway reference cannot possibly render the recited subject matter obvious. Accordingly, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of independent claims 7, 14 and 18, as well as those claims dependent thereon.

Conclusion

Applicant thanks the Examiner for allowance of claims 1-6. In view of the remarks set forth above, Applicant respectfully submits that the remaining claims are also currently in condition for allowance and thus, Applicant requests allowance of claims 7-26, as well. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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